

### **REMARKS**

Applicant intends this response to be a complete response to the Examiner's 6 April 2005 Non-Final Office Action. Applicant has labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

#### ***Claim Objections***

**Claim 12** stands objected to because of the following informality: Claim 12 (line 3) recites the phrase "the a" which does not make grammatical sense. Applicants traverse this objection and request reconsideration.

Applicant has removed the offending "a" leaving only the "the." Applicants, therefore, respectfully request withdrawal of this objection.

#### ***Rejections Under 35 U.S.C. §112, ¶2***

**Claims 12-16, 19 and 48-49** stand rejected under 35 U.S.C. § 112, ¶2. Applicants traverse and respectfully request reconsideration based on the above claim amendments, if any, and the remarks presented herein.

Claim 12 (line 2) recites the phrase "the first conformational state" which lacks clear antecedent basis as there is no previous mention of this phrase in claim 12 or in claim 10 from which it is depends. Claims 13-16 are also rejected due to their direct or indirect dependency from claim 12.

Applicants have amended claim 12 to depend from claim 11. Applicants have changed the dependency of claims 13 and 16 to depend from claim 10.

Claim 19 (line 2) recites the phrase "a site selected from the group consisting of 513-518, 643, 647, 649, and 653-661." which lacks clarity as to which type of site this is of the *Taq* polymerase. It is also unclear what units are for the listed numbers. Clarification of these via clearer claim working is requested.

Applicants have amended claim 19 to clarify the claim. Applicants have amended the claim to clarify that the tag is attached to an amino acid of the *Taq* polymerase at a specific amino acid position of the *Taq* polymerase where the amino acid position is selected from . . . Applicant hopes that the language is now clear.

#### ***Rejections Under 35 U.S.C. §103***

**Claims 48 and 49** stand rejected under 35 U.S.C. § 103(a) as being unpatentable over . Applicants traverse and respectfully request reconsideration based on the above claim amendments, if any, and the remarks presented herein.

Applicants have canceled claims 48 and 49. Applicants will introduce these claims in a

continuation application, mooted this rejection.

*Amendment Effects*

Applicant states that the amendments to the claims set forth in these amendments do not narrow the claims in anyway. The amendments to claim 12 were of a clarify nature and a dependency change; neither of which is a narrowing amendment as that term is now used by the Federal Circuit.

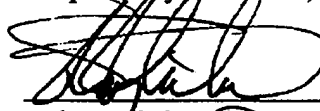
The amendments to claims 13 and 16 were also a change of dependency and are not narrowing, but broadening as the now depend directly from independent claim 10.

The amendments to claim 19 were to clarify what inventor thought was clear from the specification, *i.e.*, that the tag was attached to an amino acid of the polymerase and for *Taq*, the amino acids were at specific location on the amino acid sequence of *Taq*. This is not a narrowing amendment, as the meaning is identical to the intended meaning at the outset.

Having fully responded to the Examiner's Non-Final Office Action, Applicant respectfully urges that is application be passed onto allowance.

Date: April 13, 2005

Respectfully submitted,

  
Robert W. Strozier  
Reg. No. 34,024